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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------------|------------------|
| 10/633,381 | 07/31/2003 | Michael Czysz | MCZ009 | 2830 |
| 34496 | 7590 | 09/08/2004 | EXAMINER | |
| RICHARD C. CALDERWOOD 2775 NW 126TH AVE PORTLAND, OR 97229-8381 | | | LUM VANNUCCI, LEE SIN YEE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3611 | |

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,381

Applicant(s)

CZYSZ, MICHAEL

Examiner

Lee Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The drawings are objected to because the "fork lowers" (Claim 22) is not identified.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 22 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

"Fork lowers" is unclear because these elements are not described in the spec.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8-11, 17, 18 and 22-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8 is unclear because it does not further limit the invention, but only provides "a suspension component" previously recited in Claim 1.

In Claims 17 and 18, the invention is unclear because the "apparatus" is regarded as in combination with a motorcycle/bicycle, not as "comprising" these vehicles. Amendment is required.

In Claim 22, "fork lowers" is unclear because these elements are not described in the spec, nor identified in the drawings. Also, "integral parts" (emphasis added) is unclear because the "buttress" is a single element.

In Claim 23, "the passages" is unclear because only a single passage through the shock tube was previously described in the claim.

Art Unit: 3611

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-12, 17-22, 25 and 26 (8, 17, 18, 22 as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by Hoose 6371263.

As best understood, Hoose discloses a steering apparatus (fig 1) in a two-wheeled vehicle (c9, ln 27-30) comprising

Upper 10, and lower 20, triple clamps,

Shock tube 50 coupled to the clamps, and,

Defining a steering axis (inherent) of the apparatus,

Having a cavity (unidentified) coaxial with the steering axis for holding a suspension component (c4, ln 58-60),

Having an upper end (unidentified) coupled to the component (c5, ln 8-11),

Pair of telescopic forks 1 and 2 coupled to the clamps,

The forks including one of the following:

Spring/damper (c3, ln 35-38, and 45-49),

Not including any spring components (c3, ln 34-35; “may include” is also interpreted to mean complete omission), and,

Inert suspension characteristics (c3, ln 45-49),

Fork buttress 30 coupled to the forks,

Wherein the upper end (unidentified) of the suspension component is coupled to the shock tube (c5, ln 8-11), and the lower end (unidentified) to the fork buttress,

Pair of fork lowers (lower portion of fork) coupled to lower fork tubes 41a/42a, as best understood,

The fork buttress being integral with the fork lowers (fig 1),

Front wheel 8.

Art Unit: 3611

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

A. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoose in view of Pileggi 5511811.

Hoose does not disclose the forks as being ventilated, while Pileggi shows this arrangement in fig 2 with vent 38. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this feature, as shown in Pileggi, to maintain proper pressurization in the fork tube to achieve the desired damping characteristics, and as is very well-known.

B. **Claims 13-16, 23 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoose in view of Hartmann 4881750.

Hoose discloses upper and lower bearings 56 (fig 1) containing the shock tube, but does not disclose a shock tube within a steering tube. Hartmann shows

Shock tube 10 within steering tube 5,

Bearings 6/7 rotatably coupling the tubes,

Top bolt 28 coupling the shock tube to the triple clamp, with passage (unidentified in fig 2) coaxial with the steering axis,

Suspension component including the shock tube, and adjustment mechanism 33 accessible via the passage, for adjusting compression damping.

6. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Iwai et al 6336647, Fan 6260870, Hoose 6241391, Seidl 6199885, Hopey 5836213, Tsai 5634652, Lawwill 5429380, Brigden 5599034, Parker 4526249.

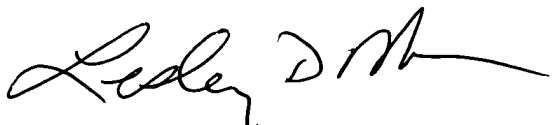
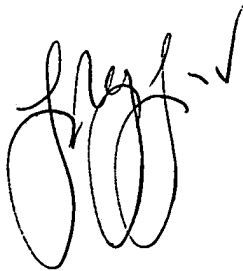
Art Unit: 3611

7. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>. Questions re private PAIR: contact the Electronic Business Center (EBC) at 866 217-9197.

Ms. Lee S. Lum
Examiner
9/3/04



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